Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In The Matter of	)	
Application by Verizon New England Inc., Bell Atlantic Communications, Inc., (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), Verizon Global Networks Inc., and Verizon Select Services Inc., for Authorization to Provide In-Region, InterLATA Services in Rhode Island	)	**CC Docket No. 01-324**

COMMENTS OF THE
ASSOCIATION OF COMMUNICATIONS ENTERPRISES

The Association of Communications Enterprises (ASCENT"), through undersigned counsel and pursuant to Public Notice, DA 02-356 (released February 14, 2002), hereby urges the Commission to decline to waive its "complete as filed" requirement as requested by Verizon New England Inc., Bell Atlantic Communications, Inc., (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), Verizon Global Networks Inc., and Verizon Select Services Inc.(collectively "Verizon") so as to permit Verizon to effect a last-minute modification of its application for authority to originate interLATA traffic in the State of Rhode Island. Specifically, Verizon seeks to amend its Application to reflect a dramatic reduction in the charges it heretofore assessed competitors for unbundled access to analog ports and originating and terminating local switching in Rhode Island . The record in this proceeding establishes that in the absence of the requested waiver, Verizon's application fails to satisfy either Competitive Checklist Item No. 2 or the public interest component of Section 271(d)(3)(C) of the Communications Act of

1934 (the "Act"), as amended by the Telecommunications Act of 1996.[1] ASCENT submits that deviation from the Commission's "complete-as-filed" requirement is not warranted by special circumstances in this instance and most certainly would not serve the public interest.

[1] 47 U.S.C. §§ 271(c)(2)(B)(ii), 271(d)(3)(C).

By way of background, Verizon justified the inflated unbundled local switching rates it had charged in Rhode Island solely on the grounds that those rates were comparable to the carrier's local switching charges in New York, arguing that such comparability entitled the Rhode Island rates to "a strong presumption of TELRIC compliance."[2] Verizon used this benchmarking justification despite the rejection last May by the Administrative Law Judge ("ALJ") tasked by the New York Public Service Commission ("NYPSC") with undertaking a "comprehensive examination of the unbundled network element (UNE) rates of Verizon New York Inc. f/k/a Bell Atlantic - New York, as set in the First Network Elements Proceeding," of Verizon's claim that its "existing [New York] rates . . . [were] reasonable, TELRIC-based, and pro-competitive (indeed . . . too low)." [3] The rates ultimately recommended by the NYPSC ALJ ranged from less than one third to slightly more than half, depending upon the point of origination and/or termination, of the state wide local switching rate levied by Verizon in Rhode Island, and the recommended New York analog port rate was set at less than half that charged by Verizon in Rhode Island.

By Order dated January 28, 2002, the NYPSC adopted in substantial part the ALJ's recommendations, producing switching charges roughly half of those theretofore charged by

---

[2] Application at 92. Although Verizon also relied upon the comparability of its Rhode Island rates to its Massachusetts rates, it gains nothing from this exercise because Verizon's Massachusetts rates were predicated on its New York rates. Application of Verizon New England Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), and Verizon Global Networks, Inc., For Authorization to Provide In-Region, InterLATA Services in Massachusetts, 16 FCC Rcd. 8988, ¶¶ 23 - 30 (2000) (*subsequent history omitted*). And it bears emphasis that even while relying upon Verizon's New York rates to find the carrier's Massachusetts rates TELRIC-compliant, the Commission expressed doubt as to the *bona fides* of those charges. Id. at ¶33, Dissenting Statement of Commissioner Gloria Tristani, Separate Statements of Chairman Michael K. Powell and Commissioner Susan Ness.

[3] Proceeding on Motion of the Commission to Examine New York Telephone Company's Rates for Unbundled Network Elements (Recommended Decision), Case 98-C-1357, pp. 1, 33 - 35 (May 16, 2001).

Verizon in New York.[4] In so doing, the NYPSC confirmed what the record in this case had already established – *i.e.*, that Verizon's analog port and local switching rates in Rhode Island had been inflated well above cost and certainly had not been total element long run incremental cost ("TELRIC") compliant.[5] And as the Commission has made clear, adoption by the NYPSC of reduced UNE rates precludes Bell Operating Companies ("BOCs") applying for in-region, interLATA authority in other states from "demonstrat[ing] TELRIC compliance by showing that their rates in the applicant states are equivalent to or based on the current New York rates, which will have been superceded."[6]

[4] Proceeding on Motion of the Commission to Examine New York Telephone Company's Rates for Unbundled Network Elements (Order on Unbundled Network Element Rates), Case 98-C-1357 (January 28, 2002).

[5] Indeed, in critical respects, Verizon's Rhode Island local switching rates, having been imported from Massachusetts, do not even comport with the Rhode Island Public Utilities Commission's ("PUC") own determinations regarding appropriate inputs to a TELRIC study. Review of Bell Atlantic-Rhode Island TELRIC Study (Report and Order), Docket No. 2681, No. 16793 (November 18, 2001); Comments of AT&T Corp. at 5 - 14.

[6] Application of Verizon New England Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), and Verizon Global Networks, Inc., For Authorization to Provide In-Region, InterLATA Services in Massachusetts, 16 FCC Rcd. 8988 at ¶ 29.

The question then is whether Verizon should be allowed to utilize an eleventh hour rate reduction to salvage an application which the Commission would otherwise be required to deny.[7] The Commission has made clear that "a BOC's section 271 application must be complete on the day it is filed."[8] "[A]n applicant may not, at any time during the pendency of its application, supplement its application by submitting new factual evidence that is not directly responsive to arguments raised by parties commenting on its application," and even then, the applicant's right to "submit new factual information after its application has been filed is narrowly circumscribed."[9] An applicant may only "challenge a commenter's version of certain events by presenting its own version of those same events," and "under no circumstances . . . [may] counter any arguments with new factual evidence post-dating the filing of comments."[10]

---

[7] The directive of Section 252(d)(3) is one of command: "[t]he Commission shall not approve the authorization requested in an application submitted under paragraph (1) unless it finds that . . . the petitioning Bell operating company has . . . fully implemented the competitive checklist." 47 U.S.C. § 252(d)(3). And as the Commission has recognized, an applying carrier's failure to meet even a single Competitive Checklist Item constitutes an independent ground for denial of its application. Application of Bell South Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc., Pursuant to Section 271 of the Communications Act of 1934, as amended , to Provide In-Region, InterLATA Services in Louisiana (Memorandum Opinion and Order), 13 FCC Rcd. 6245, ¶ 63 fn. 225 (1998) (*subsequent history omitted*).

[8] Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Services in Michigan (Memorandum Opinion and Order), 12 FCC Rcd. 20543, ¶ 50 (1997).

[9] Id. at ¶¶ 50 - 51.

[10] Id. at ¶ 51.

The Commission, of course, may, and in fact, has, waived its complete-as-filed requirement in the past. However, "[a]n applicant for waiver faces a high hurdle even at the starting gate."[11] Pursuant to Section 1.3 of its Rules, the Commission may waive a provision of its rules or orders if "good cause" is shown.[12] "The standard of good cause requires the petitioner to demonstrate that special circumstances warrant deviation from the rules or orders[13] and that such a deviation would better serve the public interest than the general rule."[14] Because grant of the waiver "presumes the validity of the rule," such action must "not undermine the public policy served by the rule,"[15] and certainly may not "effectively undermine the validity of the rule" [16]

In this instance grant of a waiver is not warranted. The circumstances here are not so extraordinary as to justify deviation from the complete-as-filed requirement. Grant of a waiver

---

11/ WAIT Radio v. FCC, 418 F.2d 1153, 1157 (D.C. Cir. 1969); Ameritech Operating Companies (Order), 6 FCC Rcd. 746, ¶ 16 (1991); The GTE Telephone Operating Companies, Petition for Waiver (Memorandum Opinion and Order), 3 FCC Rcd. 4674, ¶ 41 (1988).

12 47 C.F.R. § 1.3.

13 Southwestern Bell Telephone Tariff F.C.C. No. 73 (Order Concluding Investigation and Denying Application for Review), 12 FCC Rcd. 19311, ¶ 63 (1997). It is incumbent upon an applicant for waiver to show "unique or extraordinary circumstances." Such showings can be undue hardship, inequity, inability to comply with the general rule or other like considerations, but must be substantial in nature and unique to the applicant. WAIT Radio v. FCC, 418 F.2d at 1159; Local Exchange Carriers' Individual Case Basis DS3 Service Offerings (Order), 5 FCC Rcd. 6772, ¶¶ 15-19 (1990); Ameritech Operating Companies (Order), 6 FCC Rcd. 746 at ¶¶ 16-17; Southwestern Bell Telephone Company's Petition for Waiver (Order), 3 FCC Rcd. 4075, ¶ 12 (1988).

14 Southwestern Bell Telephone Tariff F.C.C. No. 73 (Order Concluding Investigation and Denying Application for Review), 12 FCC Rcd. 19311 at ¶ 63.

15 Southwestern Bell Telephone Companies, Petition for Waiver (Memorandum Opinion and Order), 5 FCC Rcd. 3452, ¶ 9 (1990).

16 Southwestern Bell Telephone Tariff F.C.C. No. 73 (Order Concluding Investigation and Denying Application for Review), 12 FCC Rcd. 19311 at ¶ 63; Waiver of the Commission's Access Charge Rules, Bell Atlantic Telephone Companies Petition for Waiver Part 69.112(b) and (c) of the Commission's Rules to Offer Facilities Management Services (Order), 12 FCC Rcd. 10196, ¶ 5 (1996); National Exchange Carrier Association, Inc. (Memorandum Opinion and Order), 3 FCC Rcd. 6042, ¶ 8 (1988); Waitsfield-Fayston Telephone Co., Inc., et al., Petitions for Waiver (Memorandum Opinion and Order), 2 FCC Rcd. 1812, ¶ 10 (1987).

would undermine the public policy served by the requirement; indeed, it would contribute to the evisceration of the requirement. And certainly, deviation from the complete-as-filed requirement would not serve the public interest. Moreover, while Verizon may be responding to criticisms of its Application, it is impermissibly relying on "new factual evidence post-dating the filing of comments."

The NYPSC ALJ issued his decision concluding that Verizon's local switching and analog port rates were inflated well above TELRIC levels more than seven months ago -- long before Verizon filed its Rhode Island Application. While Verizon, a number of competitive carriers, and other parties sought reconsideration of the ALJ's recommended decision,[17] the NYPSC typically upholds its judges decisions in substantial part, generally effecting at most limited modifications. Verizon, accordingly, was well aware when it filed its Rhode Island application that its local switching rates in New York had been proven to be excessive and would be substantially reduced by the NYPSC. Indeed, given that its New York local switching charges had been expressly designated by the NYPSC as "temporary," and, therefore, "subject to refund and reparation," because of facial flaws in Verizon's claimed switching costs, Verizon has known for several years that it had been charging UNE-based competitors inflated charges in New York.[18] Hence, the NYPSC's

[17] While Verizon argued that the ALJ had erred in recommending substantial reductions in its local switching and other rates, virtually all other parties to the proceeding argued that the judge did not go far enough in reducing these charges. Proceeding on Motion of the Commission to Examine New York Telephone Company's Rates for Unbundled Network Elements (Order on Unbundled Network Element Rates), Case 98-C-1357 at 6, 20.

[18] Id. at 45. Claims by Verizon that its local switching charges in New York had been TELRIC-compliant, but were rendered excessive by cost reductions experienced over the past few years, are belied by the NYPSC's active consideration of retroactive refunds. Id. at 42 - 47.

reduction in local switching and analog port charges cannot constitute an extraordinary circumstance which might warrant deviation from the complete-as-filed requirement.

Moreover, such a deviation would run directly contrary to the public interest. As ASCENT demonstrated in its Opposition to Verizon's Rhode Island Application, UNE-based competition has been stunted in Rhode Island, with use of the UNE-Platform in the State lagging far behind, on both an absolute and percentage basis, New York and other States.[19] And as ASCENT further emphasized in its Opposition, UNE-based competition has never developed in Rhode Island primarily because the rates assessed by Verizon for unbundled access to various network elements, most particularly local switching, are excessive. Hence, Verizon has succeeded in thwarting competitive entry by means of the entry vehicle most likely to generate mass market competition.[20] As the Commission has recognized, "the ability of requesting carriers to use unbundled network elements, including various combinations of unbundled network elements, is integral to achieving Congress' objective of promoting rapid competition to all consumers in the local telecommunications market."[21] Waiving the complete-as-filed requirement here would reward

---

[19] Hearing Transcript, Review of Verizon-Rhode Island Section 271 Filing in Compliance with Telecommunications Act of 1996, Docket No. 3363, page 43 (RIPUC October 15, 2001).

[20] It bears emphasis in this regard that Verizon's local switching charges in Rhode Island had to be substantially reduced shortly before the carrier filed its Application. in order to render those rates comparable to rates charged in New York. Review of Bell Atlantic-Rhode Island TELRIC Study (Report and Order), Docket No. 2681, No. 16793 (November 18, 2001).

[21] Implementation of the Local Competition Provisions in the Telecommunications Act of 1996 (Third Report and Order), 15 FCC Rcd. 3696, ¶ 5 (1999) (*subsequent history omitted*).

Verizon for blocking competitive entry in Rhode Island up to the point at which it is authorized to enter the in-region, interLATA market.[22]

As the Commission has acknowledged, the determination of whether "the requested authorization is consistent with the public interest, convenience and necessity" requires a careful examination of "a number of factors, including the nature and extent of competition in the applicant's local market, in order to determine whether that market is and will remain open to competition."[23] Among other things, the Commission examines the local market "to ensure that there are not unusual circumstances that would make entry [by the applying BOC into the in-region, interLATA market] contrary to the public interest."[24] An absence of UNE-based competition attributable to strategic pricing of UNEs so as to render UNE-based provision of service impossible until the eleventh hour should certainly qualify as an unusual circumstance rendering grant of in-region, interLATA authority contrary to the public interest.

ASCENT acknowledges that the Commission has waived its complete-as-filed requirement on multiple occasions, including one instance in which the requirement was waived to

---

[22] It is noteworthy in this respect that one of only two carriers upon which Verizon relies to demonstrate the existence of facilities-based competition in Rhode Island -- Network Plus -- has recently declared bankruptcy and has petitioned the U.S. Bankruptcy Court for the District of Delaware for authority to auction its assets. Motion of Debtors for Orders (A) (i) Approving Bidding Procedures, Including Bid Protections, (ii) Approving the Form and Manner of Notice of (a) Bidding Procedures and Sale Hearing and (b) Cure Amount Notices and (iii) Scheduling Sale Hearing, (B) Authorizing and Approving (i) the Sale of Certain of the Debtors' Assets Free and Clear of Liens, Claims and Encumbrances and (ii) the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases, and (C) Authorizing Debtors to Send a Notice of Termination of Service," filed with the United States Bankruptcy Court for the District of Delaware in In re Network Plus Corp. and Network Plus, Inc., Case No. 02-10341 on February 13, 2002.

[23] Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Services in Michigan (Memorandum Opinion and Order), 12 FCC Rcd. 20543 at ¶ 402.

[24] Application of Verizon New England Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), and Verizon Global Networks, Inc., For Authorization to Provide In-Region, InterLATA Services in Massachusetts (Memorandum Opinion and Order), 16 FCC Rcd. 8988 at ¶ 233.

allow reduction of certain UNE rates. It should, however, not do so here. Not only is the balance of equities dramatically different here, but the ever increasing number of waivers granted by the Commission is eviscerating the complete-as-filed requirement and undermining the policies served not only by the requirement, but Section 271 itself.

In the instance in which the Commission allowed a BOC applicant to upgrade its Section 271 application by reducing its UNE rates, it was at least arguable that deviation from the complete-as-filed requirement would serve the public interest by facilitating an action which might "foster the development of competition."[25] Here, however, it is apparent that Verizon has manipulated the application process to hinder competition, charging rates it knew to be excessive right up to the point at which Commission action on its application was required, thereby ensuring the least possible UNE-based competition when it entered the in-region, interLATA market. And whereas the earlier waiver grant might arguably have provided the applicant with "positive reinforcement . . . for responding to criticism in the record concerning . . . rate levels by making making pro-competitive rate reductions,"[26] a waiver here would only serve to reinforce Verizon's continued use of anti-competitive stratagems. Moreover, given the virtual absence of competitive use of the UNE-Platform in Rhode Island, Verizon's last-minute rate reduction hinders the Commission's ability to determine whether local markets in Rhode Island have indeed been irreversibly opened to competition because Verizon's systems have not been subjected to the

---

[25] Application by SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance for Provision of In-Region, InterLATA Service in Kansas and Oklahoma (Memorandum Opinion and Order), 16 FCC Rcd 6237, ¶ 24 (2001) (*subsequent history omitted*).

[26] Id. at ¶ 25.

substantially higher volumes of orders they would have been if UNEs had been properly priced.[27]

Finally, ASCENT submits that the number of waivers of the complete-as-filed requirement heretofore granted by the Commission are undermining the policies underlying not only that requirement, but Section 271 itself. While the Commission persists in declaring that it "do[es] not intend to allow a pattern of late-filed changes to threaten the Commission's ability to maintain a fair and orderly process for consideration of section 271 applications," and that "it will be rare for future applicants to satisfy the high bar for waiver of these procedural requirements," the agency nonetheless regularly takes into consideration "developments that occur after the date for filing comments" at the behest of BOC applicants,[28] sometimes pursuant to affirmative waiver of the complete-as-filed requirement, other times without benefit of such waivers.[29]

---

[27] Id. at ¶ 23 (difficulty determining actual effect of changes on performance in advance as reason for not granting a waiver of the complete-as-filed requirement).

[28] Application of Verizon New York Inc., Verizon Long Distance, Verizon Enterprise Solutions, Verizon Global Networks Inc., and Verizon Select Services Inc. for Authorization to Provide In-Region, InterLATA Service in Connecticut (Memorandum Opinion and Order), 16 FCC Rcd. 14147, ¶¶ 34, 38 (2001) (*subsequent history omitted*).

[29] The Commission has proven much more rigid in foreclosing consideration of developments that occur after the application filing date when those developments would require denial of a pending application. Thus, for example, in authorizing Verizon to originate interLATA traffic in Massachusetts, the Commission effectively waived 14-point competitive checklist compliance, declining to fault Verizon for failing to make available for discounted resale DSL services offered exclusively through an affiliate even though such an artifice had been held unlawful by the U.S. Court of Appeals for the District of Columbia Circuit. Although the Court had issued its decision, the Commission absolved Verizon of a blatant failure

[*footnote continued on next page*]

[*footnote continued from preceding page*]

to satisfy the resale component of the Competitive Checklist solely because the mandate which automatically follows issuance of a decision had not been issued by the Court when Verizon filed its application. Application of Verizon New England Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), and Verizon Global

Networks, Inc., For Authorization to Provide In-Region, InterLATA Services in Massachusetts (Memorandum Opinion and Order), 16 FCC Rcd. 8988 at ¶ 219. ASCENT has petitioned the U.S. Court of Appeals for the District of Columbia Circuit for review of this action. Association of Communications Enterprises v. Federal Communications Commission, Case No. 01-1206 (D.C. Cir., Notice of Appeal filed May 11, 2001). Reliance upon the complete-as-filed doctrine to insulate BOC applicants from occurrences which impact their compliance with statutory requirements cannot be justified. Such an action would constitute effective forbearance from full application of Section 271 which the Commission is statutorily forbidden from doing. Id.

In authorizing Verizon to originate interLATA traffic in Connecticut and again in Pennsylvania, for example, the Commission allowed the carrier to introduce a wholesale DSL product during the pendency of its applications after it had refused to make DSL services available for discounted resale during the years prior to the filing of the applications, and the Commission did so in the absence of systems development, testing and operations.[30] In another instance, the Commission, in granting SBC Communications Inc. ("SBC") in-region, interLATA authority in Kansas and Oklahoma, allowed the carrier to amend its application to reflect reductions in a variety of recurring and non-recurring UNE rates.[31] Before that, the Commission had allowed Verizon to bolster its application to originate interLATA authority in New York with a commitment to offer advanced services through a structurally-separate affiliate.[32] In virtually all other instances, as well as those referenced above, in which it has granted in-region, interLATA authority, the Commission, in making its checklist compliance and public interest determinations, has considered performance

---

[30] Application of Verizon New York Inc., Verizon Long Distance, Verizon Enterprise Solutions, Verizon Global Networks Inc., and Verizon Select Services Inc. for Authorization to Provide In-Region, InterLATA Service in Connecticut (Memorandum Opinion and Order), 16 FCC Rcd. 14147 at ¶¶ 27 - 44; Application of Verizon Pennsylvania Inc., Verizon Long Distance, Verizon Enterprise Solutions, Verizon Global Networks Inc., and Verizon Select Services Inc. for Authorization to Provide In-Region, InterLATA Service in Pennsylvania (Memorandum Opinion and Order), CC Docket No. 01-138, FCC 01-269, ¶¶ 94 - 98 (2001) (*subsequent history omitted*).

[31] Application by SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance for Provision of In-Region, InterLATA Service in Kansas and Oklahoma (Memorandum Opinion and Order), 16 FCC Rcd 6237 at ¶¶ 47 - 102.

[32] Application of Bell Atlantic New York for Authorization Under Section 271 of the Communications Act to Provide In-Region, InterLATA Service in the State of New York (Memorandum Opinion and Order), 15 FCC Rcd. 3953, ¶ 330 - 36, Concurring Statement of Commissioner W. Harold Furchtgott-Roth, pp. 9 - 11 (1999) (*subsequent history omitted*).

and other data which has become available after the filing of the application.[33]

Grant of yet another waiver here would confirm that the complete-as-filed requirement has little meaning. Citing as precedent any waiver the Commission might grant here, in conjunction with the above-referenced previously authorized departures from the complete-as-filed requirement, any future BOC applicant should be able to defer compliance with critical Competitive Checklist Items until immediately prior to Commission action on its application, confident that its application, as amended to reflect the compliance action, would be granted. Such manipulation of the application process seriously undermines the role Congress intended for Section 271 to play in prompting incumbent LECs to fully open their local markets to competition.

By reason of the foregoing, the Association of Communications Enterprises urges the Commission to decline to consider Verizon's eleventh hour reduction of its Rhode Island analog port and local switching charges in evaluating the carrier's Application for authority to originate interLATA traffic in the State, and to deny that Application, as submitted, for failing to comply with Competitive Checklist Item No. 2 and for being inconsistent with the public interest, convenience and necessity.

Respectfully submitted,

ASSOCIATION OF COMMUNICATIONS ENTERPRISES

By: /s/
Charles C. Hunter
Catherine M. Hannan
HUNTER COMMUNICATIONS LAW GROUP

[33] *See, e.g.,* Application by SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance Pursuant to Section 271 of the Telecommunications Act of 1996 to Provide In-Region, InterLATA Service in Texas (Memorandum Opinion and Order), 15 FCC Rcd 18354, ¶ 39 (2000) (*subsequent history omitted*).

1424 16th Street, N.W.
Suite 105
Washington, D.C. 20006
(202) 293-2500

February 19, 2002

Its Attorneys

CERTIFICATE OF SERVICE

I, Charles C. Hunter, do hereby certify that a true and correct copy of the foregoing document was served by first class mail, postage prepaid, on the individuals list on this 19th day of February, 2002**:**

Laury E. Bobbish
U.S. Department of Justice
Telecommunications Task Force
Antitrust Division
1401 H Street, N.W.
Suite 8000
Washington, D.C. 20530

Luli Massaro
Commission Clerk
State of Rhode Island and Providence Plantations Public Utilities Commission
89 Jefferson Blvd.
Warwick, Rhode Island 02888

James G. Pachulski
TechNet Law Group, P.C.
1100 New York Avenue, N.W.
Suite 365
Washington, D.C. 20005

Evan T. Leo
Scott H. Angstreich
Kellogg, Huber, Hansen, Todd & Evans, P.L.L.C.
1615 M Street, N.W.
Suite 400
Washington, D.C. 20036

Michael E. Glover
Karen Zacharia
Leslie V. Owsley
Donna M. Epps
Joseph DiBella
Verizon
1320 North Court House Road
Eighth Floor
Arlington, Virginia 22201

Bruce P. Beausejour
Keefe B. Clemons
Verizon New England.
185 Franklin Street
Room 1403
Boston, MA 02110

/s/
Charles C. Hunter